

**ERIE COUNTY LEGISLATURE  
MEETING NO. 12  
JUNE 23, 2016**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Morton, who led a prayer.

The Pledge of Allegiance was led by Mr. Rath.

**TABLED ITEMS**

Item 1 – MR. LORIGO moved to take INTRO. 10-1 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Erie County Charter Revision  
Commission Recommendation No. 1  
(INTRO. 10-1, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2608 of the Erie County Charter sets the date for the current decennial review of the Charter through the creation of the Charter Revision Commission; and

WHEREAS, Recommendation No. 1 readjusts that date for the next Charter Revision Commission for October 15, 2024, with the report being submitted to the Legislature no later than May 15, 2025.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 1 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. LORIGO moved to take INTRO. 10-2 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Erie County Charter Revision  
Commission Recommendation No. 2  
(INTRO. 10-2, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the language in the Charter has missing and inconsistent capitalization of several proper nouns including Erie County, County of Erie, City of Buffalo, County Legislature and County Executive; and

WHEREAS, Recommendation No. 2 requires all proper nouns to be capitalized as appropriate.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 2 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. LORIGO moved to take INTRO. 10-3 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: Erie County Charter Revision  
Commission Recommendation No. 3  
(INTRO. 10-3, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the Erie County Charter is a document that is meant to represent the diversity and background of all members of our community; and

WHEREAS, Recommendation No. 3 therefore calls for all references of "he" to be replaced with "he or she", all references to "him" to be replaced with "him or her", and all references to "his" to be replaced by "his or her"

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 3 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. LORIGO moved to take INTRO. 10-4 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: Erie County Charter Revision  
Commission Recommendation No. 4  
(INTRO. 10-4, 2016)

MR. LOUGHRAN moved to amend the item. MR. BURKE seconded.

MR. LORIGO moved that the legislature recess for five minutes. MR. RATH seconded.

CHAIR MILLS directed that the legislature enter recess at 2:20 p.m.

CHAIR MILLS reconvened the legislature at 2:25 p.m.

All members present.

CHAIR MILLS moved the previous question, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. LOUGHRAN. NOES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 1; NOES: 10)

FAILED.

Item 5 – MR. LORIGO moved to take INTRO. 10-5 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: Erie County Charter Revision  
Commission Recommendation No. 5  
(INTRO. 10-5, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Article 14 details the powers and duties of the Department of Emergency Services; and

WHEREAS, Recommendation No. 5 includes homeland security under to purview of emergency services and renames the title of Commissioner of Emergency Services to the Commissioner of the Department of Homeland Security and Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 5 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. LORIGO moved to take INTRO. 10-6 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Erie County Charter Revision  
Commission Recommendation No. 6  
(INTRO. 10-6, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Article 13 details the powers and duties of the Department of Mental Health; and

WHEREAS, Recommendation No. 6 amends language to better conform to the current state statute.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 6 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. LORIGO moved to take INTRO. 10-7 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Erie County Charter Revision  
Commission Recommendation No. 7  
(INTRO. 10-7, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2206 details the power of the County Executive to appoint heads of county departments subject to confirmation by the Legislature; and

WHEREAS, currently Section 2206 includes the county historian and the veterans' services officer appointments as being subject to Legislative approval; and

WHEREAS, Recommendation No. 7 removes Legislative approval from the position of County Historian and Veterans' Services Officer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 7 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. LORIGO moved to take INTRO. 10-8 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Erie County Charter Revision  
Commission Recommendation No. 8  
(INTRO. 10-8, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Article 21 details the powers and duties of the Sheriff of Erie County; and

WHEREAS, many of the sections in the current Charter do not accurately describe the powers and duties of the Office of the Sheriff as required by state and federal law and which they currently perform including the operations of the Jail Management Division; and

WHEREAS, Recommendation No. 8 more accurately portrays the powers and duties of the Office of the Sheriff of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 8 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. LORIGO moved to take INTRO. 10-9 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: Erie County Charter Revision  
Commission Recommendation No. 9  
(INTRO. 10-9, 2016)

MR. BURKE moved to amend the item. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

MR. LORIGO moved to approve the item. MR. HARDWICK seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. HARDWICK. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 1; NOES: 10)

FAILED.

Item 10 – MR. LORIGO moved to take INTRO. 10-10 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Erie County Charter Revision  
Commission Recommendation No. 10  
(INTRO. 10-10, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 202.3 describes the procedure for changing the salary of any county elected official; and

WHEREAS, Recommendation No. 10 amends Section 202.3 to allow salary increases for elected officials to take effect for terms beginning after the expiration of the current term.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 10 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. LORIGO moved to take INTRO. 10-11 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Erie County Charter Revision  
Commission Recommendation No. 11  
(INTRO. 10-11, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the Charter requires the Comptroller's Office review revenue estimates made by the County Executive and submitted to the Comptroller's Office by October 1<sup>st</sup> of the year; and

WHEREAS, the County Executive often does not have revenue estimates in time for the October 1<sup>st</sup> deadline, therefore the Comptroller's review will not include the tax levy information; and

WHEREAS, Recommendation No. 11 amends Section 2506 to allow the County Executive to put forward revenue estimates with a maximum and minimum levy amount to be used in preparing the budget so as to get a more accurate review of the County's budget.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 11 as described in Comm. 10M-1(2016); and, be it further

**RESOLVED**, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

**CARRIED UNANIMOUSLY.**

Item 12 – MR. LORIGO moved to take INTRO. 10-12 (2016) off the table. MR. RATH seconded.

**CARRIED UNANIMOUSLY.**

RESOLUTION NO. 123

RE: Erie County Charter Revision  
Commission Recommendation No. 12  
(INTRO. 10-12, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 204 describes the procedure for passing a local law through the Legislature; and

WHEREAS, in order for a local law to be voted upon the Charter requires a public hearing be held and if any changes are made subsequent to the public hearing a new print of the local law to be clocked-in and another public hearing be held; and

WHEREAS, Recommendation No. 12 amends Section 204 allows the Legislature to amend and approve a proposed local law after a public hearing has already been held provided that the amendments are made in a character with the scheme of the original proposed local law and are the logical outgrowth of the comments given or submitted at the public hearing; and

WHEREAS, Recommendation No. 12 provides that the Legislature may request the County Attorney to render a timely opinion on the proposed local law.

**NOW, THEREFORE, BE IT**

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 12 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. LORIGO moved to take INTRO. 10-13 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

RE: Erie County Charter Revision  
Commission Recommendation No. 13  
(INTRO. 10-13, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 311 describes the powers and duties of the Veterans' Service Agency; and

WHEREAS, Recommendation No. 13 amends Section 311 clarify that the Director of Veterans' services is responsible to the County Executive.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 13 as described in Comm. 10M-1(2016); and, be it further

RESOVLED, that the Erie County Legislature acknowledges the clerical error in this recommendation referencing Section 113 instead of 311 and authorizes the Legislature's staff to make the appropriate modification; and, further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. LORIGO moved to take INTRO. 10-14 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

RE: Erie County Charter Revision  
Commission Recommendation No. 14  
(INTRO. 10-14, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 14 amends Article 4 by renaming the nonexistent Department of Finance to the Department of Real Property Tax Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 14 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. LORIGO moved to take INTRO. 10-15 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Erie County Charter Revision  
Commission Recommendation No. 15  
(INTRO. 10-15, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the Board of Health performs several function not outlined in the Charter, including making recommendations and suggestions to the County Executive relative to the qualifications and appointments of the Commissioner of Health and the duties of the deputy commissioners; and

WHEREAS, Recommendation No. 15 amends Section 503 to more accurately reflect the current activities of the Board of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 15 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 16 – MR. LORIGO moved to take INTRO. 10-16 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Erie County Charter Revision  
Commission Recommendation No. 16  
(INTRO. 10-16, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 16 amends Section 803 to correct a reference to Section 702 of the Charter to Section 802.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 16 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. LORIGO moved to take INTRO. 10-17 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Erie County Charter Revision  
Commission Recommendation No. 17  
(INTRO. 10-17, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 17 amends Section 1001 to properly bring it within current statutory language by changing environmental control to environmental resource programs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 17 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. LORIGO moved to take INTRO. 10-18 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Erie County Charter Revision  
Commission Recommendation No. 18  
(INTRO. 10-18, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Article 12 currently describes the powers and duties of the Department of Social Welfare; and

WHEREAS, Recommendation No. 18 renames the Department of Social Welfare to the Department of Social Services, updates the powers and duties of the commissioner, and removes the requirement for Legislative approval for the appointment of the Executive Director of the Youth Bureau.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 18 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. LORIGO moved to take INTRO. 10-19 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: Erie County Charter Revision  
Commission Recommendation No. 19  
(INTRO. 10-19, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Article 16 describes the powers and duties of the Department of Senior Services; and

WHEREAS, Recommendation No. 19 amends Section 1601 to allow the department to have a deputy commissioner bringing it into conformity with all other county departments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 19 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. LORIGO moved to take INTRO. 10-20 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Erie County Charter Revision  
Commission Recommendation No. 20  
(INTRO. 10-20, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2208 describes the membership of the defunct Erie and Niagara Counties Regional Planning Board; and

WHEREAS, Recommendation No. 20 deletes section 2208 in its entirety as the board no longer exists.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 20 as described in Comm. 10M-1(2016); and, be it further

**RESOLVED**, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

**MR. LORIGO** moved to approve the item. **MR. RATH** seconded. **MR. BURKE** voted in the negative.

CARRIED 10-1.

Item 21 – MR. LORIGO moved to take INTRO. 10-21 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

RE: Erie County Charter Revision  
Commission Recommendation No. 21  
(INTRO. 10-21, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2204 details appointments to several miscellaneous boards serving Erie County government; and

WHEREAS, Recommendation No. 21 deletes references to certain non-existent boards including the Alcoholic Beverage Control Board, the Fire Advisory Board, and the Vocational Education and Extension Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 21 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. LORIGO moved to take INTRO. 10-22 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

RE: Erie County Charter Revision  
Commission Recommendation No. 22  
(INTRO. 10-22, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 22 adds a new Section 2602A to require contract extensions longer than three months beyond the term of the original agreement to require Legislative approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 22 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded. MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE voted in the negative.

CARRIED 6-5.

Item 23 – MR. LORIGO moved to take INTRO. 10-23 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: Erie County Charter Revision  
Commission Recommendation No. 23  
(INTRO. 10-23, 2016)

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

Item 24 – MR. LORIGO moved to take INTRO. 10-24 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

RE: Erie County Charter Revision  
Commission Recommendation No. 24  
(INTRO. 10-24, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 202.3 describes the procedure for changing the salary of any County elected official and currently prohibits any increase in a year that the County tax levy has seen an increase; and

WHEREAS, Recommendation No. 24 amends Section 202.3 to allow salary increases for elected officials to take effect only in years where there is no increase in the real property full value tax rate as opposed to the tax levy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 24 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. LORIGO moved to take INTRO. 10-25 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

RE: Erie County Charter Revision  
Commission Recommendation No. 25  
(INTRO. 10-25, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2503 currently requires the County Executive to submit two (2) subsequent years for a financial forecast; and

WHEREAS, Recommendation No. 25 amends Section 2503 to require four (4) subsequent years to be included in the financial forecast.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 25 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. LORIGO moved to take INTRO. 10-26 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

RE: Erie County Charter Revision  
Commission Recommendation No. 26  
(INTRO. 10-26, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2508 details the procedure for the adoption of the yearly budget; and

WHEREAS, Recommendation No. 26 amends Section 2508 to increase the amount of time the Legislature has to review the County Executive's budget proposal.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 26 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. LORIGO moved to take INTRO. 10-27 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: Erie County Charter Revision  
Commission Recommendation No. 27  
(INTRO. 10-27, 2016)

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. DIXON. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 1; NOES: 10)

FAILED.

Item 28 – MR. LORIGO moved to take INTRO. 10-28 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RE: Erie County Charter Revision  
Commission Recommendation No. 28  
(INTRO. 10-28, 2016)

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

Item 29 – MR. LORIGO moved to take INTRO. 10-29 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

RE: Erie County Charter Revision  
Commission Recommendation No. 29  
(INTRO. 10-29, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2505 currently requires a majority vote of the County Legislature to approve usage of unassigned General Fund balance below the five percent threshold; and

WHEREAS, Recommendation No. 29 amends Section 2505 to require a two-thirds supermajority vote to reduce unassigned General Fund balance below the five percent threshold.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 29 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded. MR. LOUGHRAN voted in the negative.

CARRIED 10-1.

Item 30 – MR. LORIGO moved to take INTRO. 10-30 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: Erie County Charter Revision  
Commission Recommendation No. 30  
(INTRO. 10-30, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 30 adds a new Section 2208 which creates the Poverty Advisory Board and outlines its membership and responsibilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 30 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. LORIGO moved to take INTRO. 10-31 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Erie County Charter Revision  
Commission Recommendation No. 31  
(INTRO. 10-31, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 31 amends Article 22 to reflect the addition of the Poverty Advisory Board created in Recommendation No. 30.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 31 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. LORIGO moved to take INTRO. 10-32 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: Erie County Charter Revision  
Commission Recommendation No. 32  
(INTRO. 10-32, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 32 amends Section 601 to provide autonomy to the County Attorney. The Recommendation allows for the County Attorney to be removed prior to the expiration of the term of the County Executive that appointed him or her by only (a) a majority vote of the Erie County Legislature on request of the County Executive or (b) the County Executive for cause.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 32 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to amend the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

Delete Intro 10-32 (2016) in its entirety and replace with the following:

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, the Erie County Legislature reviewed and introduced the Charter Revision Commission changes, the Honorable Body recommends further revisions; and

WHEREAS, in Recommendation No. 32 the Charter Revision Commission recommended the county attorney have a coterminous term with the appointing County Executive and limiting the ability to remove the County Attorney for cause or upon a majority vote of the Erie County Legislature after a request from the County Executive; and

WHEREAS, Recommendation No. 32 does not officer sufficient protection nor autonomy to the office of the County Attorney; and

WHEREAS, it is the recommendation of this honorable body to separate the County Attorney's budget process from that of the County Executive, to allow the Legislature to remove the County Attorney only after a supermajority vote or a simple majority vote upon request of County Executive and one additional countywide elected official, or at the request of three Countywide elected officials.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adds in the additional protections for the County Attorney as prescribed in the initial recommendations of the Charter Revision Commission and detailed above; and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of this recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item as amended. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

Item 33 – MR. LORIGO moved to take INTRO. 10-33 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Erie County Charter Revision  
Commission Recommendation No. 33  
(INTRO. 10-33, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 33 adds Section 202.5 detailing how funding for the Erie County Legislature will be distributing between the Majority and Minority Caucuses and the Clerk of the Legislature's Office to ensure the Minority Caucus has sufficient resources.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 33 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. LORIGO moved to take INTRO. 10-34 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Erie County Charter Revision  
Commission Recommendation No. 34  
(INTRO. 10-34, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 2507 authorizes the County Executive to maintain control over the budgets of all departments except those of other independently elected officials; and

WHEREAS, Recommendation No. 34 requires the County Executive to take necessary action on requests, that remain within the current year's budgeted expenses, from other elected officials within seven days.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 34 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded. MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE voted in the negative.

CARRIED 6-5.

Item 35 – MR. LORIGO moved to take INTRO. 10-35 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: Erie County Charter Revision

Commission Recommendation No. 35  
(INTRO. 10-35, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 35 amends Section 2507 to require all vacant positions held open for one year and a day be eliminated from the following year's budget and funding for those jobs be returned to the General Fund unless extended by a Resolution from the Legislature.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 35 as described in Comm. 10M-1(2016); and, be it further

**RESOLVED**, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. GRANT, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE. (AYES: 7; NOES: 4)

CARRIED.

Item 36 – MR. LORIGO moved to take INTRO. 10-36 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: Erie County Charter Revision  
Commission Recommendation No. 36  
(INTRO. 10-36, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 36 amends Article 10, the Department of Environment and Planning, adding Section 1004, the Environmental Management Council, previously Article 22-A.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 36 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 37 – MR. LORIGO moved to take INTRO. 10-37 (2016) off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Erie County Charter Revision  
Commission Recommendation No. 37  
(INTRO. 10-37, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 37 deletes Article 22-A, the Environmental Management Board, which was moved under Article 10, Section 1004, in Recommendation No. 36.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 37 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. LORIGO moved to take INTRO. 10-38 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Erie County Charter Revision  
Commission Recommendation No. 38  
(INTRO. 10-38, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 38 amends the Charter to renumber Article 22-B Citizens Salary Review Commission to Article 22-A because the Erie County Environmental Management Council was moved.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 38 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 39 – MR. LORIGO moved to take INTRO. 10-39 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

RE: Erie County Charter Revision  
Commission Recommendation No. 39  
(INTRO. 10-39, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the

functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Article 15 describes the Central Police Services Commissioner appointment process; and

WHEREAS, Recommendation No. 39 increases the required number of qualified candidates from three to six and requires one appointment to be a female and one to be from an underrepresented minority group to be submitted to the County Executive.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 39 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 40 – MR. LORIGO moved to take INTRO. 10-40 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Erie County Charter Revision  
Commission Recommendation No. 40  
(INTRO. 10-40, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 40 further amends Section 1503 to increase the number of Central Police Services Board of Trustees from seven to nine by adding a designee of the Erie County Sheriff and an additional designee of the Erie County Chiefs of Police Association to the Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 40 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

Item 41 – MR. LORIGO moved to take INTRO. 10-41 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Erie County Charter Revision  
Commission Recommendation No. 41  
(INTRO. 10-41, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 1802 describes the powers and duties of the Erie County Comptroller; and

WHEREAS, Recommendation No. 41 deletes references to the nonexistent title of finance commissioner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 41 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. LORIGO moved to take INTRO. 10-42 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: Erie County Charter Revision  
Commission Recommendation No. 42  
(INTRO. 10-42, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the Citizens Salary Review Commission is tasked with recommending appropriate salaries for the elected officials in Erie County and currently has no representation of the Erie County Comptroller; and

WHEREAS, Recommendation No. 42 amends Section 22-B-01 to decrease the County Executive appointments from six to five and to add an appointment of the Erie County Comptroller to the Citizens Salary Review Commission.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 42 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 43 – MR. LORIGO moved to take INTRO. 10-43 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

RE: Erie County Charter Revision  
Commission Recommendation No. 43  
(INTRO. 10-43, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make

recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, the Charter Revision made a recommendation to amend Article 2 Section 210 to foster an independent redistricting commission to review and make changes to the Legislative District boundaries following each decennial US Census by creating an Independent Commission on Reapportionment, unless amended by a court order; and

WHEREAS, Recommendation No. 43 creates an eleven member Commission from a pool of interested parties submitted by the County Executive to the Legislature. The Majority and Minority Leaders of the Legislature will make four initial appointments. Those four appointees are then tasked with selecting the remaining seven members of the Commission.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 43 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 7; NOES: 4)

CARRIED.

Item 44 – MR. LORIGO moved to take INTRO. 10-44 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

RE: Erie County Charter Revision  
Commission Recommendation No. 44  
(INTRO. 10-44, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 44 amends Section 201 to reflect the current eleven Legislative Districts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 44 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 45 – MR. LORIGO moved to take INTRO. 10-45 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

RE: Erie County Charter Revision  
Commission Recommendation No. 45  
(INTRO. 10-45, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 45 makes title changes to Article 2 pursuant to Recommendation No. 43, noting the creation of Independent Commission on Reapportionment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 45 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 46 – MR. LORIGO moved to take INTRO. 10-46 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

RE: Erie County Charter Revision  
Commission Recommendation No. 46  
(INTRO. 10-46, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 46 deletes Section 105 and 106 in their entirety, which reference fifteen legislative districts and the legislative district meets and bounds, as they are no longer accurate.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 46 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 47 – MR. LORIGO moved to take INTRO. 10-47 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

RE: Erie County Charter Revision  
Commission Recommendation No. 47  
(INTRO. 10-47, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 47 adds Section 903 under the Department of Personnel to include requirements that the County ensures employees called into active military service their full wages if military compensation is less than their current County wage.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 47 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 48 – MR. LORIGO moved to take INTRO. 10-48 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: Erie County Charter Revision  
Commission Recommendation No. 48  
(INTRO. 10-48, 2016)

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. MR. LOUGHRAN. NOES: MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 1; NOES: 10)

FAILED.

Item 49 – MR. LORIGO moved to take INTRO. 10-49 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: Erie County Charter Revision  
Commission Recommendation No. 49  
(INTRO. 10-49, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 49 amends Recommendation No. 1 to give the next Charter Revision Commission additional time by mandating a public hearing for the Charter

Revision Commission before December 31, 2024 and to require proposals be submitted to the Commission before April 15, 2025.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 49 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 50 – MR. LORIGO moved to take INTRO. 10-50 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

RE: Erie County Charter Revision  
Commission Recommendation No. 50  
(INTRO. 10-50, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 50 amends Section 1103 to include the Division of Fleet Services into the Department of Public Works.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 50 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 51 – MR. LORIGO moved to take INTRO. 10-51 (2016) off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

RE: Erie County Charter Revision  
Commission Recommendation No. 51  
(INTRO. 10-51, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 51 increases the term of office held by County Legislators from two to four years commencing for terms beginning 2018; and

WHEREAS, the term of four years would be tied to the independent redistricting process effectively preventing the Legislature from repealing the Independent Commission on Reapportionment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 51 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, and MR. RATH. NOES: MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON and MR. MORTON. (AYES: 6; NOES: 5)

CARRIED.

Item 52 – MR. LORIGO moved to take INTRO. 10-52 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

RE: Erie County Charter Revision  
Commission Recommendation No. 52  
(INTRO. 10-52, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 52 amends Article 10 adding section 1004, created by Recommendation No. 36, to the title.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 52 as described in Comm. 10M-1(2016); and, be it further

**RESOLVED**, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 53 – MR. LORIGO moved to take INTRO. 10-53 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

RE: Erie County Charter Revision  
Commission Recommendation No. 53  
(INTRO. 10-53, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 53 amends Section 2003 specify that Probation Officers and Supervisors staffing the Probation department are New York State Certified Peace Officers and have met the mandatory training requirements of a Probation Officer as specified by the New York State Department of Criminal Justice Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 53 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 54 – MR. LORIGO moved to take INTRO. 10-54 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

RE: Erie County Charter Revision  
Commission Recommendation No. 54  
(INTRO. 10-54, 2016)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 54 amends Section 302 to require the County Executive to interview at least one minority or one female candidate for each open department head position in the County and notice of the vacancy is to be published on the County's website for five business days.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 54 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 55 – MR. LORIGO moved to take INTRO. 10-55 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

RE: Erie County Charter Revision  
Commission Recommendation No. 55  
(INTRO. 10-55, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 55 adds Section K to Section 2205 to require every effort be made to achieve diversity on advisory boards.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 55 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 56 – MR. LORIGO moved to take INTRO. 10-56 (2016) off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

RE: Erie County Charter Revision  
Commission Recommendation No. 56  
(INTRO. 10-56, 2016)

**A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS**

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Recommendation No. 56 amends Article 17 to rename the Office of Public Advocacy to the Department of Public Advocacy and renames division and advisory board names to focus on people who have disabilities as opposed to the disabilities themselves; and

WHEREAS, Recommendation No. 56 deletes the defunct Consumer Protection Committee, Section 1708; and

WHEREAS, Recommendation No. 56 renames the Division of Equal Employment Opportunity to Division of Equal Employment Opportunity, Diversity and Inclusion; and

WHEREAS, Recommendation No. 56 renames the Division of Equal Employment Opportunity, Diversity and Inclusion's Advisory Board to the Minority and Women Utilization Advisory Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 56 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS directed that the agenda be taken out of order and the next item to be considered would be INTRO. 12-1 (2016).

GRANTED.

**LEGISLATOR RESOLUTIONS**

Item 57 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: Erie County Charter Revision  
Commission Recommendation A  
(INTRO. 12-1)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, the Erie County Legislature reviewed and introduced the Charter Revision Commission changes, the Honorable Body recommends further revisions; and

WHEREAS, in Recommendation No. 56 the Charter Revision Commission suggested changing the title of the Division of Equal Employment Opportunity to the Division of Equal Employment Opportunity, Diversity and Inclusion; and

WHEREAS, Recommendation No. 56 did not recommend to carry those changes through to the remainder of Article 17.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby recommends all instances of the Division of Equal Employment Opportunity contained in the Charter to be changed to the Division of Equal Employment Opportunity, Diversity and Inclusion; and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of this recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

CHAIR MILLS further directed that the agenda be taken out of order and the next item to be considered would be INTRO. 12-2 (2016).

GRANTED.

Item 58 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

RE: Erie County Charter Revision  
Commission Recommendation B  
(INTRO. 12-2)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, the Erie County Legislature reviewed and introduced the Charter Revision Commission changes, the Honorable Body recommends further revisions; and

WHEREAS, in Recommendation No. 5 the Charter Revision Commission suggested changing the title of the Commissioner of the Department of Emergency Services to the Commissioner of Homeland Security and Emergency Services; and

WHEREAS, Recommendation No. 5 does not change the name of the Department of Emergency Services nor does it create a Department of Homeland Security.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby recommends the Department Emergency Services, in Article 14, be changed to the Department of Homeland Security and Emergency Services; and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of this recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

CHAIR MILLS further directed that the agenda be taken out of order and the next item to be considered would be INTRO. 12-3 (2016).

GRANTED.

Item 59 – MR. LORIGO presented the following resolution and moved for consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

RE: Erie County Charter Revision  
Commission Recommendation C  
(INTRO. 12-3)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, the Erie County Legislature reviewed and introduced the Charter Revision Commission changes, the Honorable Body recommends further revisions; and

WHEREAS, Intro. 10-4 presented Recommendation No. 4 from the Charter Revision Commission suggested ethics reform proposals; and

WHEREAS, among the suggested amendments to the Code of Ethics was a proposal to prohibit individuals who are employed by an elected official from donating to that elected official; and

WHEREAS, this Honorable Body finds that this proposal could be considered an infringement upon the right of those employees to donate to a candidate of their choosing, which is typically protected by the First Amendment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby recommends that the Ethics Proposal created by the Charter Review Commission be approved but the restriction of donations by employees of elected officials to the individual elected officials be deleted by removing Section 1-A-09; and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of this recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

MR. LORIGO moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Amend Intro. 12-3 (2016) it include the following RESOLVED clause after the first RESOLVED clause:

RESOLVED, this honorable body would also like to issue support for closing the LLC loophole by limiting donations made by a Limited Liability Corporation to any single candidate for elected office to no more than \$5,000 per candidate; and, be it further

MR. LORIGO moved to approve the item as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS directed that the agenda return to Items for Reconsideration from Previous Meeting.

GRANTED.

Item 60 – No items for reconsideration from previous meeting.

Item 61 – MR. LORIGO moved for the approval of the minutes for Meeting Number 11 from 2016. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 62 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 63 – MS. MILLER-WILLIAMS presented a resolution Congratulating Miss Barbara's School of Dance on 50 Years of Excellence.

Item 64 – MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring Sister Denise Roche on Upon Her Retirement from D'Youville College After 36 Years as its President.

Item 65 – MR. MILLS presented a resolution Honoring Paul F. Salzler for His Dedication and Service to the Town of Concord.

Item 66 – MR. RATH presented a resolution Honoring Eugene Peter Forrestel II as the Erie County Legislature's Citizen of the Month for June 2016.

MR. LORIGO moved for consideration of the above four items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above four items to include Et Al sponsorship. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above four items as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 67 – MR. LORIGO moved to take Local Law No 2 (Print #4) 2016 off the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

COUNTY OF ERIE  
LOCAL LAW NO. \_\_\_\_\_ 2016  
LOCAL LAW INTRO. NO. 2-4 2016

A LOCAL LAW PREVENTING HEAD TRAUMA FROM CONCUSSIONS IN YOUTH SPORTS

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1: LEGISLATIVE INTENT

Contact and collision sports such as football, hockey, and soccer have been an integral part of youth development in our community but there is growing evidence that concussions cause negative long-term health consequences. The intent of this legislation is to insure that all minors playing organized contact or collision youth sports in Erie County are properly supervised and that those who have been entrusted with the safety of minors are sufficiently trained in identifying concussion related symptoms.

Section 2: DEFINITIONS

- a) Organized youth sport is defined as sport that is formally governed by an institution or organization.
- b) Contact youth sport is defined as a sport in which the participants necessarily come into bodily contact with one another.
- c) Collision youth sport is defined as a sport where athletes purposely hit or collide with each other or inanimate objects, including the ground, with great force.
- d) Supervisor of minors playing contact youth sports hereby referred to as "supervisor" is defined as any coach, referee or official who acts in a supervisory or governing capacity on the field of play.
- e) Short Notice is defined as within 2 weeks.

Section 3: REQUIREMENTS FOR SUPERVISORS

- a) Any supervisor of minors playing organized contact or collision sports shall take a course in concussion safety.
- b) Any organization facilitating organized contact or collision youth sports shall maintain a record that shows that those who supervise minors playing organized contact or collision youth sports within their organization have taken a course in concussion safety.
- c) If a new supervisor is needed on short notice, the interim supervisor shall have no more than 2 weeks from the beginning of their duties to take a course in concussion safety.

Section 4: CONCUSSION SAFETY COURSES

- a) The Erie County Department of Health shall facilitate no less than 4 concussion safety course per year. The content of this course shall be determined by the Commissioner of Health. The course shall be free of charge.
- b) Acceptable alternatives to the County concussion safety course are the Center for Disease Control's HEADS UP to Youth Sports: Online Training or the NFHS Concussion in Sports Course or any concussion protocol training determined by the Erie County

Department of Health to be equal to or greater than the Center for Disease Control's HEADS UP to Youth Sports course.

Section 5: ENFORCEMENT

- a) The County Health Department will have the power to enforce this law.
- b) The County Health Department shall notify to the best of their abilities all known youth sports organizations that participate in contact or collision sports that a concussion safety course is required for all supervisors of contact or collision youth sports.
- c) Any organization facilitating contact or collision youth sports that cannot or will not produce records showing their supervisors have completed one of the defined courses on concussion safety upon request from the County Health Department shall be issued a \$100 fine, subsequent violations within a calendar year shall result in a \$200 fine.

Section 6: EFFECTIVE DATE

This local law shall become effective upon filing with the Secretary of State.

Section 7: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

SPONSOR: Legislator Patrick B. Burke  
Legislator Joseph C. Lorigo

MR. LORIGO moved to approve the item. MR. BURKE seconded.

MR. HARDWICK moved to send the item to committee. No second.

FAILED.

CHAIR MILLS moved the previous question, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. HARDWICK. (AYES: 10; NOES: 1)

CARRIED.

Item 68 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2016 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 69 – CHAIR MILLS directed that Local Law No. 4 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 70 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 71 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 72 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 73 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 74 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

June 16, 2016	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 11E-21 (2016)  
**DIXON:** “Letter to Commissioner of Health Regarding Spread of the Zika Virus”

(6-0)

2. COMM. 11E-19 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, the purpose of this resolution is to authorize entering into contract with Ecology & Environment, Inc. (“E&E”) for the purpose of providing a user training class on ArcGIS 10.3 Desktop; and

WHEREAS, E&E will provide a two day customized geographic information system (“GIS”) training in the Edward A. Rath Erie County Office Building; and

WHEREAS, training will focus on the use of the Environmental Systems Research Institute (“ESRI”) ArcGIS Desktop software to geographically present disease events in Erie County; and

WHEREAS, the visual presentation of health events will assists in disease location and movement; and

WHEREAS, the Health Division has the funds necessary within their 2016 budget to cover the costs of this contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract to with E&E to provide a user training class on ArcGIS 10.3 Desktop in an amount not to exceed \$9,204, funding being available in account 516020, Professional Services Contracts and Fees, of the Health Division; and be it further

RESOLVED, that E&E will provide a two day customized GIS training in the Rath Building. Training will focus on the use of the ESRI ArcGIS Desktop software; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

(6-0)

3. COMM. 11E-20 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Senior Services continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County; and

WHEREAS, there is a need to provide healthy dining opportunities for elderly residents of Erie County, especially in rural areas; and

WHEREAS, St. John’s Community Church, in the Town of Eden, desires to operate a dining site as part of the Department’s Stay Fit Dining program to serve needful seniors in their community; and

WHEREAS, the Department of Senior Services recommends that a new congregate dining site, St. John's Community Church located at 2871 East Church Street, Eden, NY 14057, be added to the Stay Fit Dining Program to serve needful seniors; and

WHEREAS, the Department of Senior Services desires to contract with the sponsor, St. John's Community Church, to begin serving meals after the effective date of this resolution for the period July 1, 2016 to December 31, 2016; and

WHEREAS, the Department's 163III-C12016 grant has sufficient funds available to cover the clean-up and meal costs of the new dining site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to contract with St. John's Community Church to operate a Congregate Dining site at 2871 East Church Street, Eden, NY 14057 for the period July 1, 2016 to December 31, 2016; and be it further

RESOLVED, that clean-up costs of the new dining site be paid from the available aggregate appropriations Professional Services Contracts/Fees account #516020 and meal costs from available funds in provider MOW's account #517697 all within the 163III-C-12016 grant; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Departments of Law and Senior Services.

(6-0)

LYNNE M. DIXON  
CHAIR

Item 75 – MR. HARDWICK presented the following report, moved for consideration, moved to separate item Number 3, and moved to approve the balance of the report. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

June 16, 2016	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9M-3 (2016)  
**ERIE COMMUNITY COLLEGE: "2016-2017 ECC Budget"**  
(6-0)

b. COMM. 10M-2 (2016)  
**BUFFALO & EC PUBLIC LIBRARY:** “May 19, 2016 Board of Trustees Agenda”  
(6-0)

2. RESOLVED, the following item is hereby amended by a majority vote, and tabled on Chair’s motion:

a. COMM. 11E-5 (2016)  
**COUNTY EXECUTIVE AS AMENDED**  
Amend the ECC 2016-2017 Budget Resolutions contained in COMM. 11E-5 (2016) to reflect the following:

Delete the thirteenth (13) WHEREAS clause in its entirety on pages 1 and 2 relative to consequences of a failure to upkeep the maintenance of effort (ECC 2016-2017 Budget Resolutions).

RESOLVED, that the Erie County Legislature does hereby approve the 2016-2017 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 9, 2016, and submitted to this Honorable Body by the County Executive on May 31, 2016, with the following change:

- Deletion of the third (3) RESOLVED clause in its entirety on page 3 relative to collective bargaining agreements (ECC 2016-2017 Budget Resolutions).

(6-0)

3. COMM. 11E-6 (2016)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, Erie Community College’s existing buildings, are worn and outdated, and the spaces are not scalable to accommodate new technology and training; and

WHEREAS, the construction of a New Academic Building is recommended for Science, Technology, Engineering and Math (STEM) and advanced technical program spaces; and

WHEREAS, this new flagship facility will provide opportunities for interdisciplinary collaboration, shared resources and will showcase the programs needed to attract and educate the region’s future innovators; and

WHEREAS, 50% of the project will be reimbursed by New York State and 25% funded by Erie Community College and the remaining 25% funded by Erie County; and

WHEREAS, the project may be eligible for rebates and incentives from various agencies such as NYPA, NYSERDA and/or utility companies; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project on June 7, 2016; and

WHEREAS, it is now being recommended to amend the Construction Manager’s contract from a “Guaranteed Maximum Price” (GMP) contract to an Agency model due to legal concerns; and

WHEREAS, the Erie County Department of Public Works, the Project Architect, Kideney Architects, and the Construction Manager, Turner Construction are recommending award of contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project as follows:

Bid Package 1 - General Construction Work

Scrufari Construction Co., Inc.	Base Bid:	\$ 7,335,000.00
Add Height of Clerestory	Alternate No. 6 Bid:	\$ 2,000.00
Add Rooftop Equipment Screen and Structure	Alternate No. 07 Bid:	\$ 35,000.00
Add Flooring	Alternate No. 16 Bid:	\$ 184,800.00
Add Casework	Alternate No. 25 Bid:	\$ 17,000.00
Add Corridor Wainscot	Alternate No. 30 Bid:	\$ <u>70,300.00</u>
Total General Construction Contract:		\$ 7,644,100.00

Bid Package 2 - Masonry Construction Work

Manning Squires Henning Co., Inc.	Base Bid:	\$ 450,000.00
Add Exterior Masonry	Alternate No. 12 Bid:	\$ <u>160,000.00</u>
Total Masonry Construction Contract:		\$ 610,000.00

Bid Package 3 – Exterior Wall Construction Work

Hogan Glass LLC	Base Bid:	\$ 1,269,900.00
Add Height of Clerestory	Alternate No. 06 Bid:	\$ 26,855.00
Add Rooftop Equipment Screen and Structure	Alternate No. 07 Bid:	\$ 80,795.00
Add Horizontal Sun Shades	Alternate No. 27 Bid:	\$ 13,995.00
Add Vertical Sun Shades – Part 1	Alternate No. 28 Bid:	\$ 14,630.00
Add Vertical Sun Shades – Part 2	Alternate No. 29 Bid:	\$ <u>22,995.00</u>
Total Exterior Wall Construction Contract:		\$ 1,429,170.00

Bid Package 4 – Interior Wall Assemblies Construction Work

Scrufari Construction Co., Inc. (No Alternates)	Base Bid:	\$ <u>2,054,000.00</u>
Total Interior Wall Assemblies Construction Contract:		\$ 2,054,000.00

Bid Package 5 – Plumbing and Fire Protection Construction Work

John W. Danforth Company (No Alternates)	Base Bid:	\$ <u>1,215,000.00</u>
Total Plumbing and Fire Protection Construction Contract:		\$ 1,215,000.00

Bid Package 6 – HVAC & HVAC Controls Construction Work

Quackenbush Co., Inc.	Base Bid:	\$ 3,447,000.00
Add Panel Radiation	Alternate No. 40 Bid:	\$ <u>47,000.00</u>
Total HVAC & HVAC Controls Construction Contract:		\$ 3,494,000.00

Bid Package 7 - Electrical & Fire Alarm Construction Work

Goodwin Electric Corporation	Base Bid:	\$ 2,298,000.00
Add Electrical Duct Bank	Alternate No. 08 Bid:	\$ 85,000.00
Add Cable Trays	Alternate No. 36 Bid:	\$ <u>19,000.00</u>
Total Electrical & Fire Alarm Construction Contract:		\$ 2,402,000.00

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Total Award of Construction Contracts: \$ 18,848,270.00

; and be it further

RESOLVED, that the following not to exceed amount be allocated to the Project Contingency Fund:

Previously authorized project contingency spent to date	\$ 30,256.00
Project contingency amount authorized in this resolution	<u>\$5,720,811.00</u>
Total Project contingency authorized to date	\$5,751,067.00

with authorization for the County Executive, to approve change orders in an amount not to exceed the total amount in the Project Contingency Fund; and be it further

RESOLVED, that the Project Contingency Fund is authorized to be used to fund change orders to the following contracts:

1. Kideney Architects contract
2. Turner contract
3. Any or all constructions contracts or utility companies
4. Any Furniture, Fixtures and Equipment (FF&E) contracts including security cameras, computers, swipe system, phones, data raceways, wiring and any other necessary building operating system equipment

; and be it further

RESOLVED, those deduct change orders will result in these funds being returned to the Project Contingency Fund; and be it further

RESOLVED, that the Erie County Executive be authorized to amend the Construction Manager's contract (Turner Construction) from a "Guaranteed Maximum Price" (GMP) contract to an Agency model in an amount not to exceed \$1,746,986: and be it further

RESOLVED, that the Erie County Executive be authorized to accept rebates and incentives associated with this project from various agencies such as NYSERDA, NYPA or utility companies for an amount to be determined, with such revenue to be recorded in the overall project budget to be used, if necessary, for any project contingencies or work on this project; and be it further

RESOLVED, that the appropriations and revenues be increased in Business Area 122, Fund 480, SAP Project account E.12002 – 2012 – ECC New Academic Building for an amount not to exceed the rebates and incentives received from the various agencies such as NYSERDA, NYPA &/or utility companies; and be it further

RESOLVED, that in the event of shortfalls in ECC's share of the project, in order to maintain the construction schedule, the County is authorized to cover the college's share of construction and related costs in 2016 or 2017 via County-issued bond proceeds authorized for college projects; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP project accounts: BA122, Fund 480 E.12002 2012 ECC – New Academic Building, with total payments not to exceed \$24,599,337; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Commissioner of the Department of Environment and Planning, the Division of Budget and Management, the Office of the County Comptroller, and one copy to Erie Community College Office of the Chief Administrative and Financial Officer.

(5-1) Legislator Burke voted in the negative.

4. COMM. 11E-8 (2016)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Department of Public Works will be receiving bids for the Erie Community College City Campus- 2016 Old Post Office Hot Water Heater Replacement project this month; and

WHEREAS, the existing antiquated domestic steam hot water boiler system requires immediate replacement which must be accomplished in a short time frame; and

WHEREAS, time is of essence in order to avoid interruption of water service during scheduled class sessions and will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, New York State will reimburse Erie County for 50% of the project cost; and

WHEREAS, in order to expedite this work, pre-approval from the Erie County Legislature is needed to award a construction contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, the award of a construction contract, as designated by the Commissioner of Public Works for this project, is hereby pre-approved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contract; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidder and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall be for an amount not to exceed \$200,000, plus a construction contingency of \$50,000, and shall not exceed an aggregate total of \$250,000; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of the construction contract pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project E.20904 - 2009 Energy Performance Contract /City, Business Area 122, Fund 480, for a total amount not to exceed \$250,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, William Reuter, CAFO of Erie Community College, and the Office of the Comptroller.  
(6-0)

KEVIN R. HARDWICK  
CHAIR

MR. HARDWICK moved to approve item Number 3. MR. LOUGHRAN seconded.

MS. GRANT moved to send the item to committee. MR. LORIGO seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 76 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

June 16, 2016	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 11D-5 (2016)  
**COUNTY ATTORNEY:** “Transmittal of New Claims Against Erie County”  
(6-0)
- b. COMM. 11M-2 (2016)  
**MWBE UTILIZATION ADVISORY BOARD:** “Jan. 25, 2016 Meeting Minutes”  
(6-0)
2. COMM. 11E-18 (2016)  
**COUNTY EXECUTIVE**  
WHEREAS, the Buffalo Vet Center, provides mental health assistance to warzone veterans and their families; and

WHEREAS, as part of their mission, they hold a monthly wellness group event to help veterans connect and interact in an effort to reduce avoidance and isolation commonly associated with PTSD; and

WHEREAS, U.S. Department of Veterans Affairs budgetary guidelines prohibit the Buffalo Vet Center from using budgeted funds to pay for the costs of these events; and

WHEREAS, for the past two years the Vet Center staff has been paying for shelter fees of local parks with their personal funds and are no longer able to continue this practice; and

WHEREAS, the Buffalo Vet Center is requesting a fee waiver for four shelter rentals in 2016; and

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize the Commissioner of the Department of Parks, Recreation and Forestry to waive the shelter rental fee for four shelter rentals of Ellicott Creek Park Shelter 15 in 2016 for the Buffalo Vet Center; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Veterans’ Service Agency; the Director of Budget and Management; and the Commissioner of the Department of Parks, Recreation and Forestry.  
(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 77 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

June 16, 2016	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 15-3 (2015)  
**MILLER-WILLIAMS**: “Support for Direct Deposit Payments to Child Care Providers in Erie County”  
(Chair’s Motion)
  - b. INTRO. 17-4 (2015)  
**LORIGO**: “Opposition to Increase in Minimum Wage”  
(Chair’s Motion)
  - c. INTRO. 18-6 (2015)  
**BURKE**: “Enforcing the Prosecution of Illegal Ticket Resale to the Fullest Extent of the Law”  
(Chair’s Motion)
  - d. INTRO. 4-2 (2016)  
**SAVAGE**: “Require the County Attorney to Approve as to Legal Form Local Laws Prior to Adoption”  
(Chair’s Motion)
  - e. INTRO. 5-2 (2016)  
**MILLER-WILLIAMS**: “Status of Unclaimed Surplus Funds Resulting from Foreclosure Sales”  
(Chair’s Motion)
  - f. COMM. 10E-9 (2016)  
**COMPTROLLER**: “Risk Retention Report for Mar. 15 - Apr. 30, 2016”  
(Chair’s Motion)
  - g. COMM. 10E-10 (2016)  
**MILLS**: “Letter to County Attorney Regarding Legal Opinions Concerning Status of Legislator Lorigo”  
(Chair’s Motion)
  - h. COMM. 10E-11 (2016)  
**COMPTROLLER**: “Letter to Chair Mills Regarding County Attorney's Legal Opinions Concerning Status of Legislator Lorigo”  
(Chair’s Motion)
  - i. COMM. 10E-14 (2016)

**MILLS:** "Response Letter to County Attorney Regarding Legal Opinions Concerning Status of Legislator Lorigo"  
(Chair's Motion)

j. COMM. 10D-7 (2016)  
**COUNTY ATTORNEY:** "Response Letter to Chair Mills Regarding County Attorney's Legal Opinions Concerning Status of Legislator Lorigo"  
(Chair's Motion)

k. COMM. 11E-17 (2016)  
**COMPTROLLER:** "Update on County Finances"  
(Chair's Motion)

l. COMM. 11D-6 (2016)  
**DEPARTMENT OF BUDGET & MANAGEMENT:** "Budget Monitoring Report for Period Ending Apr. 2016"  
(Chair's Motion)

m. COMM. 11D-7 (2016)  
**COUNTY ATTORNEY:** "Response Letter to Chair Mills Regarding County Attorney's Legal Opinions Concerning Status of Legislator Lorigo"  
(Chair's Motion)

2. COMM. 1D-9 (2015)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 216103 through 216109, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2015	Petition No.	216,103.00
	ASSESSOR	Refund	\$843.70
S-B-L	93.13-4-11	48 Patsy Ln	143003 DEPEW
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$843.70 Town/SpecialDist/School
<u>Charge To :</u>	143003 DEPEW		\$843.70
	Relevy Village	\$843.70	Village of DEPEW

RPTL550(2): Failed to apply vet exemption  
Refund to be issued to Norbert Mach

FISCAL YEAR	2016	Petition No.	216,104.00
	ASSESSOR	Refund	\$231.45
S-B-L	Multiple	Mutiple	146489 TONAWANDA
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$231.45	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA		\$231.45

RPTL550(2): Incorrect special district charge  
Refund to be issued

FISCAL YEAR	2015	Petition No.	216,105.00
	ASSESSOR	Refund	\$189.36
S-B-L	Multiple	Multiple	146489 TONAWANDA
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$189.36	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA		\$189.36

RPTL550(2): Incorrect special district charge  
Refund to be issued

FISCAL YEAR	2014	Petition No.	216,106.00
	ASSESSOR	Refund	\$178.37
S-B-L	Mutiple	Multiple	146489 TONAWANDA
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$178.37	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA		\$178.37

RPTL550(2): Incorrect special district charge  
Refund to be issued

FISCAL YEAR	2016	Petition No.	216,107.00
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ASSESSOR Cancel \$190.12  
S-B-L 235.20-2-12.2 30 South Main St 144401 ANGOLA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$190.12 Town/SpecialDist/School  
Charge To : 144401 ANGOLA \$190.12

Relevy Village \$95.06 Village of ANGOLA  
RPTL550(2): Incorrect special district charge  
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 216,108.00

ASSESSOR Refund \$176.44  
S-B-L 125.05-4-3 82 Strasbourg Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$62.96 County  
Acct. No. 132 \$113.48 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$113.48

RPTL550(2): Failed to apply vet exemption  
Refund to be issued to William Lenhardt

FISCAL YEAR 2016 Petition No. 216,109.00

ASSESSOR Refund \$177.38  
S-B-L 125.05-4-3 82 Strasbourg Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$63.33 County  
Acct. No. 132 \$114.05 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$114.05

RPTL550(2): Failed to apply vet exemption  
Refund to be issued to William Lenhardt

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.  
(6-0)

3. COMM. 10E-8 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, lead paint was used predominantly throughout the 20<sup>th</sup> Century until its ban in 1978; and

WHEREAS, the City of Buffalo and its surrounding metro area have the 3<sup>rd</sup> oldest housing stock in the United States leading to a wide proliferation of lead paint and lead paint dust; and

WHEREAS, the dangers of lead poisoning are well documented and researched; and

WHEREAS, lead poisoning in children may lead to developmental delay, learning difficulties, and a permanent reduction in IQ; and

WHEREAS, the Erie County Legislature stated its commitment to combating lead poisoning in Communication 6E-8; and

WHEREAS, funding has been made available for this proposal through Communication 7E-17 2015 Year-End Budget Balancing Amendments and Designations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Senior Investigating Public Health Sanitarian JG 10, Step 0 (\$40,402 annual salary) in the CSEA bargaining unit (B-100 #8653) and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of five full time positions of Investigating Public Health Sanitarian JG 8 Step 0 (\$35,025 annual salary) in the CSEA bargaining unit (B-100 #8654); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Principal Clerk JG 7, Step 0, (\$32,616 annual salary) in the CSEA bargaining unit (B-100 #8655); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Registered Nurse JG 8, Step 1 (\$49,541 annual salary) in the NYSNA bargaining unit (B-100 #8656); and be it further

RESOLVED, that authorization is hereby provided to transfer in 2015 an amount totaling \$750,000 to expense designated for the Health Department and then to re-appropriate such funding into the 2016 Budget as follows:

Fund 110 - 2016 Budget  
12730 – Public Health Lab Division

<u>Expense Accounts</u>	<u>Increase</u>
500000 Full Time Salaries	\$ 223,263
502000 Fringe Benefits	133,958
501000 Overtime	20,000
505000 Office Supplies	2,000

505800 Medical and Health Supplies	30,000
510000 Local Mileage Reimbursement	12,000
561420 Office Equipment	15,000
516020 Professional Svs Contracts & Fees	313,779
Total	\$750,000

and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to establish designations in 2015 for the amounts indicated above and to re-appropriate said funds into 2016, and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and Department of Personnel to make the necessary budgetary and personnel adjustments to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Commissioner Gale R. Burstein in the Erie County Department of Health.  
(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 78 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

June 16, 2016	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS BURKE & SAVAGE.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 11D-4 (2016)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** “EC Agricultural District Nos. 2 , 4, 8 & 9 - Eight-Year Review and District Consolidation Report”  
(4-0)
2. COMM. 10E-15 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, GHD Consulting Services, Inc. (GHD) was retained pursuant to Legislative Comm. 14E-9 (2013) to perform engineering services for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns Advanced Wastewater Treatment Facility (AWTF); and

WHEREAS, over the course of the construction project there have been a number of tasks that either were not within GHD's scope of services or exceeded timeframes set forth in said scope; and

WHEREAS, GHD submitted a request for additional compensation in the amount of \$65,000 for the out-of-scope work associated with this project; and

WHEREAS, the Division of Sewerage Management has reviewed GHD's request, agrees that the items listed were not part of the original scope of services, and has determined that the budget submitted appears to be commensurate with the additional effort.

NOW, THEREFORE, BE IT

RESOLVED, that a change order with GHD in an amount not to exceed \$65,000 for out-of-scope work associated with engineering services for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns AWTF is hereby approved; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management is authorized to execute a change order with GHD for said out-of-scope work; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized to increase appropriations and estimated revenues by \$65,000 in Erie County Sewer District No. 3 Capital Account C.00012; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized to establish budgets as necessary and directed to transfer \$65,000 to Erie County Sewer District No. 3 Capital Account C.00012 from Erie County Sewer District No. 3 Capital Reserve Account C.00007; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized and directed to allocate \$65,000 from Erie County Sewer District No. 3 Capital Account C.00012 for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature one (1) certified copy each to the County Executive, the County Comptroller, and the County Director of Budget and Management; and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management. (4-0)

3. INTRO. 11-3 (2016)

**MILLS & MORTON**

WHEREAS, Eden Agricultural District 2 ("Eden 2") was initially created on April 16, 1973 pursuant to New York State Agriculture and Markets Law ("Agriculture and Markets Law") Section 303; and

WHEREAS, Eden 2 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, North Collins Agricultural District 4 (“North Collins 4”) was initially created on April 16, 1973 pursuant to Agriculture and Markets Law Section 303; and

WHEREAS, North Collins 4 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, Collins Agricultural District 8 (“Collins 8”) was initially created on March 17, 1976 pursuant to Agriculture and Markets Law Section 303; and

WHEREAS, Collins 8 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, Brant-Evans Agricultural District 9 (“Brant-Evans 9”) was initially created on June 21, 1976 pursuant to Agriculture and Markets Law Section 303; and

WHEREAS, Brant-Evans 9 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2) the Erie County Legislature gave the required public notice, directed the Erie County Agricultural and Farmland Protection Board to prepare a report on the districts and set a public hearing for February 22, 2016; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the districts; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on February 22, 2016 at 6:00pm a public hearing was held at the North Collins Public Library at 2095 School Street, North Collins, New York to consider recertification and consolidation of the districts; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the districts, prepared a report to the Erie County Legislature and voted unanimously on May 24, 2016 to recommend that the districts be continued with the requested modifications; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the modification and continuation of the district will not have a significant effect on the environment.

**NOW, THEREFORE, BE IT**

RESOLVED, that the Erie County Legislature finds that the Eden 2, North Collins 4, Collins 8, and Brant-Evans 9 Districts should be continued with the requested modification as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Town Supervisors of the Towns of Eden, Hamburg, Boston, Orchard Park, North Collins, Collins, Evans and Brant; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for certification.

(4-0)

4. COMM. 11E-15 (2016)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation and Forestry seeks authorization to retain and utilize Joy Kuebler Landscape Architect, PC to design a multi-generational exercise recreation area at Como Lake Park; and

WHEREAS, Joy Kuebler Landscape Architect, PC would also write the project bid specifications; and

WHEREAS, the project will not exceed \$15,000 in capital funding; and

WHEREAS, Joy Kuebler Landscape Architect, PC is on the Department of Public Works approved vendor list and is also an approved minority vendor.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of Joy Kuebler Landscape Architect, PC to be retained to provide design services associated with a multi-generational exercise recreation area at Como Lake Park, as well as write the project bid specifications; and be it further

RESOLVED, that the funding for the design phase of this project will not exceed \$15,000 and will be paid for out of Capital Project A.15012 – 2015 County-wide Parks Improvements, Fund 410, Business Area 164 and Account 516020 – Professional Services; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget & Management, and the Assistant County Attorney, Kristen Walder, of the Law Department.

(4-0)

TED B. MORTON  
CHAIR

Item 79 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

June 16, 2016	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 11M-1 (2016)  
**NFTA**: “Mar. 24, 2016 Board Minutes”  
(6-0)

2. COMM. 11E-9 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, the Salt Road Bridge Replacement Project PIN 5759.91 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, New York State funding is available that will cover the 20% Non-Federal share resulting in no net cost to the County; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design and Right of Way Incidentals phases via Legislative Communication 19E-10 dated November 21, 2013; and

WHEREAS, the NYSDOT Supplemental Agreement is in the total amount of \$1,859,000, an increase of \$1,623,000 over the County’s existing Project Agreement with NYSDOT; and

WHEREAS, the County of Erie is required to advance 100% of the project costs and then apply for reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Replacement of Salt Road Bridges over Beeman Creek Federal Aid Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the cost of the Preliminary Engineering (Scoping & Design Phases I-VI), Right of Way Incidentals, Right of Way Acquisition and Construction phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Budget for Preliminary Design Engineering and Right of Way Incidentals, Fund 420, BA 123, Project B.13008, 2013 Salt Road Bridge Design/ROW Incidentals, be adjusted by the amount of anticipated Federal and New York State revenue in accordance with the Supplemental Agreement as follows:

**PRELIMINARY DESIGN AND ROW INCIDENTALS**  
**PIN 5759.91.121**

<u>REVENUES</u>		<u>CURRENT</u>	<u>INCREASE/</u>	<u>REVISED</u>
		<u>BUDGET</u>	<u>DECREASE</u>	<u>BUDGET</u>
Account	Description			
405160	Marchiselli Aid	\$ 0	\$ 44,800	\$ 44,800
414000	Federal Aid	\$ 188,800	\$ (9,600)	\$ 179,200
445070	Prem. on Oblig.	\$ 9,478	\$ 0	\$ 9,478
475000	Gen Oblig Bond Proc	\$ 60,522	\$ 0	\$ 60,522
<u>TOTAL</u>		<u>\$ 258,800</u>	<u>\$ 35,200</u>	<u>\$ 294,000</u>
<u>REVENUES</u>				

**APPROPRIATIONS**

Capital Projects	Capital Project Exp.	\$ 258,000	\$ 35,200	\$ 294,000
<u>TOTAL</u>		<u>\$ 258,000</u>	<u>\$ 35,200</u>	<u>\$ 294,000</u>
<u>APPROPRIATIONS</u>				

; and be it further

RESOLVED, that the Project Budget for Right of Way, Fund 420, BA 123, Project B.14004 Salt Road Bridges Right of Way be adjusted by the amount of anticipated Federal and New York State revenue in accordance with the Supplemental Agreement as follows:

**RIGHT OF WAY**  
**PIN 5759.91.221**

<u>REVENUES</u>		<u>CURRENT</u>	<u>INCREASE/</u>	<u>REVISED</u>
		<u>BUDGET</u>	<u>DECREASE</u>	<u>BUDGET</u>
Account	Description			
405160	Marchiselli Aid	\$ 0	\$ 7,000	\$ 7,000
414000	Federal Aid	\$ 32,000	(\$ 4,000)	\$ 28,000
445070	Prem. on Oblig.	\$ 1,069	\$ 0	\$ 1,069
475000	Gen Oblig Bond Proc	\$ 6,931	\$ 0	\$ 6,931
<u>TOTAL REVENUES</u>		<u>\$ 40,000</u>	<u>\$3,000</u>	<u>\$ 43,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$ 40,000</u>	<u>\$3,000</u>	<u>\$ 43,000</u>
<u>TOTAL APPROPRIATIONS</u>		<u>\$ 40,000</u>	<u>\$3,000</u>	<u>\$ 43,000</u>

; and be it further

RESOLVED, that the Project Budget for Construction, Fund 420, BA 123, Project B.15003 Salt Road Bridges Construction be adjusted by the amount of anticipated Federal and New York State revenue in accordance with the Supplemental Agreement as follows:

CONSTRUCTION  
PIN 5759.91.321

<u>REVENUES</u>	<u>CURRENT BUDGET</u>	<u>INCREASE/ DECREASE</u>	<u>REVISED BUDGET</u>
Account	Description		
405160	Marchiselli Aid	0	\$ 320,000
414000	Federal Aid	\$1,600,000	(\$ 320,000)
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>
<u>TOTAL REVENUES</u>		<u>\$2,000,000</u>	<u>\$ 400,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$ 400,000	\$ 0	\$ 400,000
	Unallocated	<u>\$1,600,000</u>	<u>\$ 0</u>	<u>\$ 1,600,000</u>
<u>TOTAL APPROPRIATIONS</u>		<u>\$2,000,000</u>	<u>\$ 0</u>	<u>\$2,000,000</u>

; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Phases as described above exceed the amounts noted, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal and State Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that six (6) certified copies of this Resolution be forwarded to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that one (1) certified copy of this Resolution be forwarded to each of: the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

3. COMM. 11E-10 (2016)

**COUNTY EXECUTIVE**

WHEREAS, a federal aid project for replacement of the Salt Road Bridges over Beeman Creek BR 560-2 (BIN 3326800) and BR 560-4 (BIN 3326810) on Salt Road in the Town of Clarence, Erie County, PIN 5759.91 (the "Project") was authorized by your honorable body on November 21, 2013 via Communication 19E-10 (2013); and

WHEREAS, execution of a Supplemental Agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution; and

WHEREAS, this is a Locally Administered Federal Aid Program Project with 80% Federal and 20% State funding shares resulting in no net cost to the County; and

WHEREAS, it is desired to advance construction of the project in order to insure completion of bridge BR 560-4 (BIN 3326810) in the 2016 construction season in order to avoid conflicts with work planned for Goodrich Road in the 2017 construction season; and

WHEREAS, in order to maximize use of the 2016 construction season and avoid scheduling constraints that would push the bidding and award process into September or October and to meet NYSDOT's letting schedule for the current Federal fiscal year it is necessary to request pre-approval to award a construction contract to the lowest responsible bidder; and

WHEREAS, it is desired to obtain pre-approval to award a construction contract to the lowest responsible bidder; and

WHEREAS, it is desired to amend the contract for the project consultants, Watts Architects & Engineers, P.C. to include construction phase engineering and inspection services in the amount of \$235,000; and

WHEREAS, it is necessary to execute various utility agreements for the Project; and

WHEREAS, it is desired to establish a Project contingency; and

WHEREAS, the total construction phase of the Project is estimated at \$1,600,000.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project fund, Fund 420, BA 123, SAP B.15003, 2015 PIN 5757.29 Salt Road Bridge Construction in the amount of \$1,600,000 be made available for the Project; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is given pre-approval to execute a construction agreement between the County of Erie and the lowest responsible bidder; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized and is hereby directed to execute a contract amendment for construction phase engineering and inspection services with Project consultant Watts Architects & Engineers, P.C. in the amount of \$235,000; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized and is hereby directed to execute Project utility agreements; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized to establish a project contingency and execute project related change orders; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

4. **COMM. 11E-11 (2016)**

**COUNTY EXECUTIVE**

WHEREAS, a project for replacement of the Salt Road Bridges over Beeman Creek (BIN 3326800 (BR 560-2) and BIN 3326810 (BR 560-4) on Salt Road in the Town of Clarence, Erie County, PIN 5759.91 (the "Project") was authorized by this honorable body on November 21, 2013 via Communication 19E-10 (2013); and

WHEREAS, execution of a Supplemental Agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution; and

WHEREAS, in order to facilitate the replacement of the bridges, it will be necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the bridges;

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL	45.00-2-50	Clarence
SBL	45.00-2-51.11	Clarence
SBL	45.00-2-8.512	Clarence

SBL	19.00-5-26.2	Clarence
SBL	19.00-5-10.1	Clarence

such properties to be acquired by the County are herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the fee and/or easement parcels for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is de minimis in nature so that the public interest will not be prejudiced by the construction of the new bridges; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that a not to exceed sum of \$35,000, SAP B.14004 Salt Road Bridges 5759.91 ROW, be made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County of Erie is authorized to acquire fee and/or easement title to the aforementioned Subject Properties for the purpose of the replacement of the subject Salt Road Bridges; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcels of real property by fee and/or easement, which acquisitions are necessary for the Salt Road Bridge Replacement Project; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

5. **COMM. 11E-12 (2016)**  
**COUNTY EXECUTIVE**

WHEREAS, The Town of Lancaster has indicated its willingness, per their prior Town Resolution, to assume ownership and maintain approximately 1.06 centerline miles of Penora Street, from William Street to the Village of Depew line, after Erie County has made the agreed upon improvements to the road, which has taken place; and

WHEREAS, Town ownership of this section of Penora Street will relieve Erie County of all future ownership and maintenance responsibility; and

WHEREAS, a Memorandum of Understanding between the Town of Lancaster and the County will be necessary to allow the Town to assume ownership of this section of Penora Street.

**NOW, THEREFORE, BE IT**

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Memorandum of Understanding between Erie County and the Town of Lancaster which includes the previously completed and agreed upon County improvements to Penora Street; and be it further

RESOLVED, the ownership of approximately 1.06 centerline miles of Penora Street, as defined by the Commissioner of Public Works, shall be turned over to the Town of Lancaster as per the Memorandum of Understanding to be drafted; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the County Attorney, the Division of Budget and Management and the Department of Public Works.  
(6-0)

6. COMM. 11E-13 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is interested in the fostering of business growth and job retention and creation within Erie County; and

WHEREAS, Erie County owns a short line railroad designated Line 1242 which runs from Cheektowaga to Lancaster and passes over Transit Road in Depew; and

WHEREAS, the Rail Line 1242 is leased to the Erie County Industrial Development Agency (ECIDA), which in turn selects an operator for the rail line and manages day to day operation of the line; and

WHEREAS, Erie County is responsible for capital improvements to the rail line; and

WHEREAS, the rail bridge over Transit Road has deterioration of concrete piers and corrosion of the bridge structure and Erie County desires to rehabilitate the rail bridge crossing over Transit Road in Depew; and

WHEREAS, the ECIDA has extensive experience in contracting for construction projects; and

WHEREAS, the County of Erie has allocated \$350,000 for rehabilitation of this bridge in the 2016 capital budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the ECIDA, other state and federal agencies, and consultants in amounts not to exceed a total of \$350,000, for the purpose of construction rehabilitation of the County owned rail bridge over Transit Road in Depew; and be it further

RESOLVED, that the source of these funds shall be \$350,000 available in the approved 2016 Erie County Capital Budget and approved in the 2016 Consolidated Bond Resolution, Comm. 7E-34; and be it further

RESOLVED, that the Department of Environment and Planning is authorized to effectuate payments for the project with ECIDA and its contractors in an amount not to exceed \$350,000 through approved 2016 bond funds; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

7. COMM. 11E-14 (2016)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is interested in the fostering of business growth and job retention and creation within Erie County; and

WHEREAS, Erie County owns a short line railroad designated Line 1246 which runs from South Buffalo to Gowanda and passes over Rush Creek in Hamburg; and

WHEREAS, the Rail Line 1246 is leased to the Erie County Industrial Development Agency (ECIDA), which in turn selects an operator for the rail line and manages day to day operation of the line; and

WHEREAS, Erie County is responsible for capital improvements to the rail line; and

WHEREAS, the rail bridge over Rush Creek has deterioration of stone masonry and wingwalls and Erie County desires to rehabilitate the rail bridge crossing over Rush Creek in Hamburg; and

WHEREAS, the ECIDA has extensive experience in contracting for construction projects; and

WHEREAS, the County of Erie has allocated \$250,000 for rehabilitation of this bridge in the approved 2016 capital budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the ECIDA, other state and federal agencies, and consultants in amounts not to exceed a total of \$250,000, for the purpose of construction rehabilitation of the County owned rail bridge over Rush Creek in Hamburg; and be it further

RESOLVED, that the source of these funds shall be \$250,000 available in the approved 2016 Erie County Capital Budget and approved in the 2016 Consolidated Bond Resolution, Comm. 7E-34; and be it further

RESOLVED, that the Department of Environment and Planning is authorized to effectuate payments for the project with ECIDA and its contractors in an amount not to exceed \$250,000 through approved 2016 bond funds; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

EDWARD A. RATH, III  
CHAIR

Item 80 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

June 16, 2016	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR SAVAGE.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-29 (2015)

**SHERIFF AS AMENDED**

WHEREAS, the Erie County Sheriff's Office helicopter (Air-1) has been grounded for the past four weeks for a mandatory Federal Aviation Administration (FAA) maintenance inspection; and

WHEREAS, these mandatory maintenance inspections are performed after 600 hours of flight time or after a twenty-four month period from the previous inspection, whichever comes first; and

WHEREAS, the last FAA maintenance inspection was conducted in 2014; and

WHEREAS, during this mandatory grounding, every part of the aircraft is thoroughly inspected and will not be approved for flight until all inspection issues are resolved; and

WHEREAS, during this maintenance inspection, a wear issue with the Aerial 1 Delta 1 Modular 4 (a power exchange unit for the engine) was discovered and therefore this part and an installation kit needs to be ordered; and

WHEREAS, without this part and necessary installation kit, Air-1 will fail inspection and remain grounded; and

WHEREAS, the Erie County Sheriff's Office Air-1 is the only helicopter in the Western New York Region with a forward looking infrared (FLIR) camera and hoisting capabilities; and

WHEREAS, over the past few weeks, the absence of Air-1 service for three separate Attempt to Locate incidents in Zoar Valley has proven the helicopter's value and importance to the Erie County Sheriff's Office, area first responders, and the community as a whole; and

WHEREAS, the Seized Asset Forfeiture Account balance as of June 15, 2015 is \$117,798.67; and

WHEREAS, the funds transferred from the Seized Assets Forfeiture Account for aircraft maintenance costs are an U.S. Department of Justice authorized expenditure; and

WHEREAS, the sheriff's office has conferred with the County Executive and the Director of Purchasing as to the emergency nature of this order; and

WHEREAS, the County Executive has issued an emergency declaration to waive the county's standard bidding process for this one time purchase; and

WHEREAS, Turbomeca USA is the vendor for the necessary engine part and installation kit; and

WHEREAS, Turbomeca USA is the helicopter engine manufacturer for more than 2300 engines that are flying in the United States for emergency medical service agencies, tourism, law enforcement, utility, and government agencies such as the U.S. Coast Guard, U.S. Army, Customs and Border Patrol, and FBI.

NOW, THEREFORE, BE IT

RESOLVED, that up to \$46,000.00 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

**ERIE COUNTY SHERIFF'S OFFICE**

Sheriff – SAFS Funded Program

<u>REVENUE</u>		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$ (46,000.00)</u>

<u>APPROPRIATION</u>		<u>INCREASE</u>
506200	Maintenance and Repairs	<u>\$ 46,000.00</u>
Total Revenue		<u>\$ 46,000.00</u>

; and be it further

RESOLVED, that designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary to Turbomeca USA; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff Office for implementation.

(5-0)

2. **COMM. 11E-22 (2016)**  
**COUNTY EXECUTIVE**

WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the U.S. Department of Justice; and

WHEREAS, the Buffalo Police Department seeks the assistance of the Department of Central Police Services to provide law enforcement software enhancements for its projects.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County Executive to accept grant funding from the City of Buffalo in the amount of \$6,000; and be it further

RESOLVED, that the authorization is hereby provided to establish the grants in the budget of the Department of Central Police Services as follows:

Grant Fund – SAP #165CPSJAG1519  
Central Police Services  
10/1/15 – 9/30/19

<u>Revenue</u>	<u>Increase</u>
414000 Federal Aid	\$6,000
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$6,000
Total Appropriation	\$6,000

; and be it further

RESOLVED, that the authorization is hereby provided to contract with Globalquest Solutions, Inc., a local WBE/New York State contract vendor selected after a request for proposals, in the amount of \$6,000 to provide the professional technical staff for these projects; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Central Police Services, attention: Brian Speers.  
5-0)

EDWARD A. RATH, III  
CHAIR

**LEGISLATOR RESOLUTIONS**

Item 81 – CHAIR MILLS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 12-4 from LEGISLATORS MILLER-WILLIAMS & LORIGO. Status of Unclaimed Surplus Funds Resulting from Foreclosure Sales.

Item 82 – CHAIR MILLS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 12-5 from LEGISLATORS MILLER-WILLIAMS & LORIGO. Support for Direct Deposit Payments to Child Care Providers in Erie County.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 83 – MR. LORIGO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 11E-5 AS AMENDED. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Proposed 2016-2017 Erie Community  
College Budget  
(COMM. 11E-5 AS AMENDED, 2016)

RESOLVED, that the Erie County Legislature does hereby approve the 2016-2017 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 9, 2016, and submitted to this Honorable Body by the County Executive on May 31, 2016, with the following changes:

- Delete the thirteenth (13) WHEREAS clause in its entirety on pages 1 and 2 relative to consequences of a failure to upkeep the maintenance of effort (ECC 2016-2017 Budget Resolutions).
- Delete the third (3) RESOLVED clause in its entirety on page 3 relative to collective bargaining agreements (ECC 2016-2017 Budget Resolutions).

MR. LORIGO moved to approve the item. MR. HARDWICK seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, CHAIR MILLS and MR. MORTON. NOES: MR. LORIGO and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

Item 84 – MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 10E-16. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Akron Falls & Wendt Beach Parks  
Easement Request  
(COMM. 10E-16, 2016)

WHEREAS, National Fuel would like to replace pipelines, cathodic protection devices, cables, regulators, connections, meters, valves, fittings and accessories and do other such activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas at both Akron Falls and Wendt Beach Parks; and

WHEREAS, the area at both locations is fifteen (15) feet in width; and

WHEREAS, as part of this construction National Fuel is requesting an easement from Akron Falls and Wendt Beach Parks to perform the necessary work; and

WHEREAS, after being reviewed by the Erie County Advisory Review Committee (ARC) this proposed work is supported by the Erie County Parks Master Plan; and

WHEREAS, there is no cost to the County for granting said easement to National Fuel; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an easement with the National Fuel for the necessary repairs and work related to these improvements; and be it further

RESOLVED, that the Clerk of the Legislature shall forward two certified copies of this Resolution to the Erie County Comptroller's Office, the Commissioner of the Department of Parks, Recreation and Forestry, Daniel J. Rizzo; and Assistant County Attorney, Kristen M. Walder.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 85 – MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 9E-14. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Use of Medical Specialists to Review  
Work Related Injury Cases  
(COMM. 9E-14, 2016)

WHEREAS, law enforcement work is inherently dangerous and requirements of the jobs place personnel into situations where physical altercations occur; and

WHEREAS, whether a Deputy or Corrections Officer is confronting a suspect or trying to control an inmate physical injuries occur; and

WHEREAS, various parts of the anatomy are injured during work related duties requiring specialized physicians to diagnose and treat injuries; and

WHEREAS, the Erie County Sheriff's Office needs to consult with various specialists to evaluate, provide a second opinion, and if necessary, controvert the original diagnoses of injuries and treatments sheriff's office personnel receive; and

WHEREAS, the sheriff's office needs to ability to quickly confer with, and utilize various medical specialist throughout the injury review hearing process; and

WHEREAS, currently, each time the sheriff's office needs to confer with a new or different medical professional, the office needs to seek legislative approval for each physician prior to their review; and

WHEREAS, this process can take a month, or longer, and these delays increase costs to the county by extending the duration in which injury cases are reviewed; and

WHEREAS, these delays also increases the time sheriff's office personnel are out of work receiving full pay.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to utilize recommended physicians for a period of time needed to settle work related injury case; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to directly pay various specialized physicians who are recommended by the sheriff's office counsel for work related injury review; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the County Attorney's Office, and the Chief of Administration of the Sheriff Office for implementation.

MR. LORIGO moved to amend the item. MR RATH seconded.

CARRIED UNANIMOUSLY.

Delete the resolution in its entirety and replace with the following:

WHEREAS, law enforcement work is inherently dangerous and requirements of the jobs place personnel into situations where physical altercations occur; and

WHEREAS, whether a Deputy or Corrections Officer is confronting a suspect or trying to control an inmate physical injuries occur; and

WHEREAS, various parts of the anatomy are injured during work related duties requiring specialized physicians to diagnose and treat injuries; and

WHEREAS, the Erie County Sheriff's Office needs to consult with various specialists to evaluate, provide a second opinion, and if necessary, controvert the original diagnoses of injuries and treatments sheriff's office personnel receive; and

WHEREAS, the sheriff's office needs to ability to quickly confer with, and utilize various medical specialist throughout the injury review hearing process; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into agreements with recommended physicians to settle work related injury cases; and be it further

RESOLVED, that the county is authorized to enter into an agreement with Donald J. Jacobs, M.D., Internal Medicine, 8169 Oak Leaf Lane, Williamsville, New York 14221, for the hourly rate of \$400.00 and for an amount which is not to exceed \$20,000.00 per year and this agreement is for the remainder of 2016 with an option to extend the contract for 2017 and 2018; and be it further

RESOLVED, that the county is authorized to enter into an agreement with David P. Montesanti, M.D., Ophthalmology, One Hopkins Road, Williamsville, New York 14221, for the hourly rate of \$75.00 and for an amount which is not to exceed \$5,000.00 per year and this agreement is for the remainder of 2016 with an option to extend the contract for 2017 and 2018; and be it further

RESOLVED, that the county is authorized to enter into an agreement with Anthony M. Leone, M.D. Orthopedist specializing in the back, 934 Cleveland Drive, Cheektowaga, New York 14225 for the hourly rate of \$400.00 and for an amount which is not to exceed \$10,000.00 per year and this agreement is for the remainder of 2016 with an option to extend the contract for 2017 and 2018; and be it further

RESOLVED, that all payments will be paid from budget account #516020 - Professional Services and Fees; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the County Attorney's Office, and the Chief of Administration of the Sheriff Office for implementation.

MR. LORIGO moved approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 86 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-28 from LEGISLATOR RATH. Re: S Communications Regarding Opposition to Proposed Changes to EC Charter Regarding Advisory Boards

Received and filed.

Item 87 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-29 from the COUNTY EXECUTIVE. Re: Funds for the Buffalo & EC Workforce Development Consortium for Summer Youth Programs

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 88 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-30 from the COUNTY EXECUTIVE. Re: Department of Senior Services - MIPPA/ADRC 2015-2016 Grant - Technical Change to Contract Agency Name

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 89 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-31 from the COUNTY EXECUTIVE. Re: Rath Building – 2016 Social Services 7th Floor Renovations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 90 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12M-6 from ZDARSKY, SAWICKI & AGOSTINELLI LLP. Re: Letter Regarding ECC STEM Building Award of Bid

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 91 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

RE: Red Jacket and 61 Smith St Shoreline  
Habitat Park Restoration Project  
(COMM. 12E-1)

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract Nos. GL00E01050 and GL00E01551 at 3:00 p.m. on May 12, 2016.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract Nos. GL00E01050 and GL00E01551	LDC Construction Company 1920 Baseline Road Grand Island, NY 14072	\$604,575

and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project; and

WHEREAS, the County of Erie advertised for and received three (3) responses to a request for proposals from construction firms to perform construction services associated with shoreline and habitat restoration for the Buffalo River AOC habitat restoration project at Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract Nos. GL00E01050 and GL00E01551; and

WHEREAS, the engineer has recommended retaining LDC Construction Company to complete the requested construction services.

NOW, THEREFORE, BE IT

RESOLVED, that LDC Construction Company be retained to perform construction services associated with the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract Nos. GL00E01050 and GL00E01551; and be it further

RESOLVED, that the County Executive is hereby, authorized to execute the Contract with LDC Construction Company, 1920 Baseline Road, Grand Island, New York, for professional services associated with construction of the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract in an amount not to exceed \$604,575; and be it further

RESOLVED, that the funding for this contract is hereby authorized in grants 162BRRPM0916 and 162BRRPMPH21516, Fund 281, Account 516020 - Professional Services; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to the Division of Environmental Compliance; and one certified copy each to the County Executive; the Erie County Comptroller; the Director of Budget and Management; the Commissioner of the Department of Environment and Planning; and Kristen M. Walder, Assistant County Attorney.

Item 92 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: Red Jacket and 61 Smith St Shoreline  
Habitat Park Restoration Project  
(COMM. 12E-2)

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Bailey Peninsula Natural Habitat Park Restoration Contract No. GL-00E00150 at 2:30 p.m. on May 12, 2016.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. GL00E01050	Scott Lawn Yard 5552 Townline Road Sanborn, NY 14132	\$559,000

and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project; and

WHEREAS, the County of Erie advertised for and received three (3) responses to a request for proposals from construction firms to perform construction services associated with shoreline and habitat restoration for the Buffalo River AOC habitat restoration project at Bailey Peninsula Natural Habitat Park; and

WHEREAS, the engineer has recommended retaining Scott Lawn Yard to complete the requested construction services.

NOW, THEREFORE, BE IT,

RESOLVED, that Scott Lawn Yard be retained to perform construction services associated with the Bailey Peninsula Natural Habitat Restoration; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the Contract with Scott Lawn Yard, 5552 Townline Road, Sanborn, New York, for professional services associated with construction of the Bailey Peninsula Natural Habitat Restoration project in an amount not to exceed \$559,000; and be it further

RESOLVED, that the funding for this contract is hereby authorized in Grant 162BRRPM0916, Fund 281, Account 516020 - Professional Services; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to the Division of Environmental Compliance; and one certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management; the Commissioner of the Department of Environment and Planning; and Kristen M. Walder, Assistant County Attorney.

Item 93 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Lead Hazard Reduction Demonstration  
Grant  
(COMM. 12E-3)

WHEREAS, the Erie County Department of Health has received a grant award from the United States Department of Housing and Urban Development ("HUD"), Office of Lead Hazard Control and Healthy Homes in the amount of \$3,400,000; and

WHEREAS, this grant award includes \$3,000,000 for implementing the Erie County Lead Hazard Reduction Demonstration ("LHRD") Program and \$400,000 in supplemental Healthy Housing funds; and

WHEREAS, HUD requires partnerships and mandatory matching contributions as part of the grant application; and

WHEREAS, the Erie County Department of Health, Belmont Housing Resources for WNY, Inc., the Community Foundation for Greater Buffalo, the Erie County Department of Environment & Planning, Heart of the City Neighborhoods, Inc., West Side Neighborhood Housing Services, Housing Opportunities Made Equal, Jericho Road Community Health Center and the New York State Department of Health Lead Poisoning Prevention Programs have joined together in partnership for the purposes of providing services under this grant; and

WHEREAS, the purpose of the Erie County LHRD Program is to provide efficient, cost-effective lead hazard reduction activities in privately owned homes in the cities of Buffalo and Lackawanna occupied and frequented by children under the age of six; and

WHEREAS, this will be accomplished through home paint inspections and lead risk assessments by Erie County staff, and provision of services for lead hazard reduction activities, healthy housing interventions and minor rehab work utilizing these grant funds and matching contributions by the County and community partners; and

WHEREAS, the County desires to subcontract with Belmont Housing Resources for WNY, Inc. for the period 7/1/16- 12/31/19 for the purposes of preparing work and bid specifications in homes to receive lead hazard reduction work and healthy housing interventions, awarding competitive bids for hazard reduction and healthy housing work, including labor and supply costs, to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids, and coordinating and account for the matching contributions to the proposed work 'at participating homes; and

WHEREAS, the County desires to subcontract with the Community Foundation for Greater Buffalo to provide expertise in facilitating community awareness and involvement and matching funds for the provision of services for hazard reduction work, healthy housing interventions and minor rehab work; and

WHEREAS, HUD requires a program manager dedicated to the management of the LHRD grant; and

WHEREAS, the County desires to make a personnel adjustment that creates a position of Supervising Public Health Sanitarian (JG 11) to perform the necessary grant management activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with the United States Department of Housing and Urban Development (HUD) to accept the grant and to establish and budget a grant as follows:

LEAD HAZARD REDUCTION DEMONSTRATION

127LHRD1619

7/1/16 - 12/31/19

<u>SAP</u> <u>ACCOUNT</u>	<u>REVENUE</u>	BUDGET
414000	Federal Aid	<u>\$3,400,000</u>
	TOTAL	<u>\$3,400,000</u>

APPROPRIATIONS

500000	Full Time – Salaries	\$ 182,435
501000	Overtime	10,000
502000	Fringe Benefits	103,915
505000	Office Supplies	5,400

505200	Clothing Supplies	350
510000	Local Mileage Reimbursement	11,340
510100	Out-of-Area Travel	15,320
510200	Training & Education	1,800
517527	Belmont Hous Res WNY	2,635,260
516020	Professional Svs Contracts & Fees	15,919
516030	Maintenance Contracts	7,000
530000	Other Expenses	407,050
561410	Lab & Technical Equipment	1,000
561420	Office Equipment	500
980000	ID DISS Services	2,711
	<b>TOTAL</b>	<b><u>\$3,400,000</u></b>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) position of Supervising Public Health Sanitarian as indicated on B100 # 8708 (JG 11 Step 1, annual salary \$47,499) in the CSEA bargaining unit; and be it further

RESOLVED, that where existing personnel are funded out of HUD Office of Lead Hazard Control and Healthy Homes grants as additional HUD Office of Lead Hazard Control and Healthy Homes funding becomes available, those existing positions can carry over to future HUD Office of Lead Hazard Control and Healthy Homes grant years; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to enter into a subcontract with Belmont Housing Resources for WNY, Inc. for the period 7/1/16 - 12/31/19 for the purposes of preparing work and bid specifications in homes to receive lead hazard reduction work and healthy housing interventions, awarding competitive bids for hazard reduction and healthy housing work, including labor and supply costs, to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids and coordinating and account for the matching contributions to the proposed work at participating homes; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to enter into a subcontract with the Community Foundation for Greater Buffalo to provide expertise in facilitating community awareness and involvement and matching funds for the provision of services for hazard reduction work, healthy housing interventions and minor rehab work; and be it further

RESOLVED, that the Erie County LHRD Program, through its partnership with Belmont Housing Resources for WNY, Inc. is authorized to receive matching contributions from Belmont Housing Resources for WNY, Inc. and the Community Foundation for Greater Buffalo for hazard reduction work, healthy housing interventions and minor rehab work provided directly to participating property owners in the cities of Buffalo and Lackawanna; and be it further

RESOLVED, that the Erie County LHRD Program, through its partnership with Heart of the City Neighborhoods, Inc., West Side Neighborhood Housing Services, and the New York State

Department of Health Lead Poisoning Prevention Programs will make available healthy housing interventions and minor rehab work directly to participating property owners in the city of Buffalo; and be it further

RESOLVED, that the Erie County LHRD Program, through its partnership with the Erie County Department of Environment & Planning and the New York State Department of Health Lead Poisoning Prevention Programs will make available healthy housing interventions and minor rehab work directly to participating property owners in the city of Lackawanna; and be it further

RESOLVED, that the subcontracts with Belmont Housing Resources for WNY, Inc. and the Community Foundation for Greater Buffalo are special services which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County administrative Code is hereby waived; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required budgetary adjustments to implement the budgetary actions and appropriations authorized in this resolution; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, the Department of Personnel, and to Dr. Gale R. Burstein, Commissioner of Health.

FROM THE DISTRICT ATTORNEY

Item 94 – (COMM. 12E-4) Justice Court Notifications

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 95 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Human Trafficking Grant Training  
Expenditures  
(COMM. 12E-5)

WHEREAS, The Erie County Sheriff's Office is the designated 2013 Human Trafficking Grant administrator for the Western New York Human Trafficking Taskforce and is authorized by the U.S. Department of Justice to use the grant fund to support travel expenses for training expenses; and

WHEREAS, Ms. Tahitia Barringer, a representative from the U.S. Department of Justice, has approved the travel expenditures for the Niagara County Sheriff's Office member of the Human Trafficking Taskforce; and

WHEREAS, the U.S. Department of Justice representative also approved use of the grant fund to support travel expenses for \$1,343.56.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller's Office and the Erie County Sheriff's Office are hereby authorized to issue payment to the Niagara County Sheriff's Office for the amount of \$1,343.56 for training related expenses associated with the Western New York Human Trafficking Taskforce; and be it further

RESOLVED, that all payments will be paid from budget account #510100 - Out of Area Travel; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies to the County Executive, the Erie County Comptroller, the County Attorney's Office, and the Chief of Administration of the Sheriff Office for implementation.

FROM THE COUNTY EXECUTIVE

Item 96 – (COMM. 12E-6) Appointments to the Erie Arts and Cultural Advisory Board

Received, filed and printed.

June 14, 2016  
Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, NY 14202

Re: Appointments to Erie Arts and Cultural Advisory Board

Dear Honorable Members:

Please be advised that, pursuant to Article 22, Section 2205 of the County charter, I am appointing the following individuals to the Erie Arts and Cultural Advisory Board.

Karen Clinton Jones, Chief Diversity Officer at Buffalo State College  
Sibu Nair, Administrator - Clinical Trials, Infectious Diseases and HIV Medicine at SUNY Buffalo, ECMC  
Deborah Porter, Adult Career Services Administrator at Buffalo Center for Arts & Technology (BCAT)

Should you have any questions regarding these appointments please feel free to contact Thomas Hersey, Commissioner of Environment and Planning, at (716)858-7674 or [Thomas.Hersey@erie.gov](mailto:Thomas.Hersey@erie.gov).

Sincerely yours,  
MARK C. POLONCARZ  
Mark C. Poloncarz  
Erie County Executive

MCP/sm  
cc: Thomas Hersey  
Catherine F. Schweitzer  
Appointees

FROM CHAIR MILLS

Item 97 – (COMM. 12E-7) Letter Clerk of the Legislature Calling a Public Hearing Regarding LL Intro. 2-4 (2016)

Received, filed and printed.

June 9, 2016

Karen M. McCarthy, Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I want to call a Public Hearing to hear comment on Local Law Intro. 2-4 (2016) A Local Law Preventing Head Trauma from Concussions in Youth Sports

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 2:30 p.m. on Thursday, June 16, 2016 in the Erie County Legislature Chambers, located on the 4<sup>th</sup> floor of Old county Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

Sincerely,  
JOHN J. MILLS  
John J. Mills, Chair  
Erie County Legislature

Item 98 – (COMM. 12E-8) Letter to County Attorney Regarding Invitation to Attend Informational Session Concerning Status of Legislator Lorigo

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 99 – (COMM. 12E-9) Maple Rd Joint Rehabilitation, Town of Amherst - Amend Engineering Design & Construction Inspection Contract

Item 100 – (COMM. 12E-10) Agreement with NYSDOT and Award of Construction Locally Administered Federal Aid Project for Bridge Deck Sealing, Various Towns

Item 101 – (COMM. 12E-11) Agreement to Install and Maintain Wheelchair Ramps on County Roads, Town of Cheektowaga

Item 102 – (COMM. 12E-12) Agreement to Construct & Maintain Sidewalks on a County Road, Town of Holland

Item 103 – (COMM. 12E-13) 2016 New Storage Building and Gas Pump Relocation - Ellicott Creek Park

Item 104 – (COMM. 12E-14) Chestnut Ridge Park - 2016 Reconstruction of Shelter No. 23

Item 105 – (COMM. 12E-15) Asbestos Abatement Project - Rath Building 6th Floor Employee Fitness Center

Item 106 – (COMM. 12E-16) Contract with the ECIDA for Administration of EC Foreign Trade Zone No. 23

The above eight items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 107 – (COMM. 12E-17) Black Rock Canal Park - Phase 3 Design - Amendment 1

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 108 – (COMM. 12E-18) Department of Health Medical Examiner's Office - Capital Project Supplement

Item 109 – (COMM. 12E-19) EC Public Health Lab - Revised Testing Schedule

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MILLS

Item 110 – (COMM. 12E-20) Letter to County Executive Regarding Appointment of Executive Director of the Commission on the Status of Women

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 111 – (COMM. 12E-21) Appointment of Executive Director of the Commission on the Status of Women

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 112 – (COMM. 12E-22) Risk Retention Report for May 2016

Item 113 – (COMM. 12E-23) Update on County Finances

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 114 – (COMM. 12E-24) Request for Mid-Year Budget Hearing Information

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 115 – (COMM. 12E-25) WNY Peace Center Anti-Violence Mentoring Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 116 – (COMM. 12E-26) Acceptance of FY16 Hazardous Materials Emergency Preparedness Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 117 – (COMM. 12E-275) Authorization to Extend Contracts with Existing Providers of Inmate Communication Services and Commissary Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE CLERK OF THE LEGISLATURE

Item 118 – (COMM. 12D-1) Notice of Public Hearing Regarding LL Intro. 2-4 (2016)

Item 119 – (COMM. 12D-2) Comments Received Regarding LL Intro. 2-4 (2016)

Item 120 – (COMM. 12D-3) Comments Received Regarding Proposed Recommendations to Revise the EC Charter

Item 121 – (COMM. 12D-4) Comments Received Regarding the Zika Virus

Item 122 – (COMM. 12D-5) Notice of Public Hearing Regarding Proposed Extension of EC Sewer District No. 1

Item 123 – (COMM. 12D-6) Notice of Public Hearing Regarding Proposed Extension of EC Sewer District No. 2

Item 124 – (COMM. 12D-7) Notice of Public Hearing Regarding Proposed Extension of EC Sewer District No. 3

Item 125 – (COMM. 12D-8) Notice of Public Hearing Regarding Proposed Extension of EC Sewer District No. 4

Item 126 – (COMM. 12D-9) Notice of Public Hearing Regarding Proposed Extension of EC Sewer District No. 5

Item 127 – (COMM. 12D-10) NYS DEC Documents Received

The above ten items were received and filed.

FROM THE COMMISSIONER, DEPARTMENT OF ENVIRONMENT & PLANNING

Item 128 – (COMM. 12D-11) Information Regarding EC Parks System - Retention of Consultant to Update the Parks Master Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 129 – (COMM. 12D-12) Response to Chair Mills Letter Regarding Appointment of Executive Director of Commission on the Status of Women

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES

Item 130 – (COMM. 12D-13) Comm. 12E-34 Compliance Report - May - CPS Caseloads

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC FIRE DISTRICT OFFICERS ASSOCIATION

Item 131 – (COMM. 12M-1) Opposition to Proposed Changes to EC Charter Regarding Advisory Boards

Received and filed.

FROM THE TOWN OF LANCASTER

Item 132 – (COMM. 12M-2) Town Resolution Regarding Head Trauma from Concussions in Youth Sports

Received and filed.

FROM THE NYS DEPARTMENT OF PUBLIC SERVICE

Item 133 – (COMM. 12M-3) Notice of Public Hearings Regarding Proposed Increases for National Fuel Gas Distribution Corp. Gas Delivery Rates

Received and filed.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 134 – (COMM. 12M-4) Jun. 16, 2016 Board of Trustees Agenda

Received and filed.

FROM SUSAN LOOBY

Item 135 – (COMM. 12M-5) Response Letter to Chair Mills Regarding The Sheldon's Complaint Against Buffalo Urban League

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 136 – CHAIR MILLS announced the committee schedule for June 30, 2016 will be distributed.

Item 137 – CHAIR MILLS announced the a public hearing regarding proposed modifications and extensions of EC Sewer Districts Nos. 1-5 is scheduled for July 6, 2016 at 1:30 p.m. in the Legislature Chambers.

Item 138 – CHAIR MILLS announced the Mid-Year Budget Hearings are scheduled for July 12-14, 2016 in the Legislature Chambers, and the full schedule will be distributed .

Item 139 – CHAIR MILLS announced the next regularly scheduled legislative session is July 14, 2016.

Item 140 – MR. LOUGHRAN announced the 22nd Annual Greater Buffalo Alumni Cup 5K Run & Wellness Walk is scheduled for July 6, 2016 to benefit the Women & Children’s Hosiptal of Buffalo Lung Unit.

**MEMORIAL RESOLUTIONS**

Item 141 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Nyree Anderson.

Item 142 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of the 49 victims of the Orlando, Florida nighclub shooting.

Item 143 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Owen J. Reger and Alfreda Rozanski.

Item 144 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Joseph E. Ryan.

**ADJOURNMENT**

Item 145 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, July 14, 2016 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, July 14, 2016 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**